

## ARTICLE 149

### Blighted Property Review Committee

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### CROSS REFERENCE

See 35 P.S. §1712.1 - Act No. 1978 - 94

#### 149.01 DEFINITIONS.

(a) Abandoned Property. The term abandoned property shall be defined in accordance with 35 PS § 1712.1(c)(9), as amended.

(b) Blighted Property. The term blighted property shall be defined in accordance with 35 PS § 1712.1(c), as amended. In addition, no property shall be certified as blighted unless it is vacant.

(c) Residential and Related Use. The term residential and related use shall be defined in accordance with 35 PS § 1712.1(d), as amended.

(d) Vacant Property. The term vacant property shall be defined in accordance with 35 PS §1712.1(e)(1), as amended. Until superseded by an amendment enacted after June 1, 2016 to 35 PS § 1712.1(e)(1), the term vacant property shall mean:

(i) any property which is unoccupied or its occupancy has not been authorized by the owner of the property;

(ii) in the case of an unimproved lot or parcel of ground, any property subject to a lien for the cost of demolition of any structure located on the property which remains unpaid for a period of six months; or

(iii) in the case of an unimproved lot or parcel of ground, any property which has remained in violation of any provision of local building, property maintenance or related codes applicable to such lots or parcels, including licensing requirements, for a period of six months.

#### 149.02 ACQUIRING BLIGHTED PROPERTIES.

Subject to the provisions and procedures of this Article, the Redevelopment Authority of the City of Bethlehem shall have the power to

acquire by purchase, gift, bequest, eminent domain, or otherwise any "blighted property."

#### 149.03 ESTABLISHMENT, APPOINTMENT, TERM, VACANCY.

(a) There is established a Blighted Property Review Committee to consist of not more than seven (7) members, who shall serve without compensation. The Committee is to include at least one member of City Council, a representative of the Redevelopment Authority board, a representative to be designated by the Mayor and a representative of the Planning Commission. Three other members may be added upon the discretion of the Mayor.

(b) The terms of each member shall be four (4) years and last through December 31 of the appropriate year and the appointments to each position shall be staggered so that at least one (1) position is filled by appointment each calendar year.

#### 149.04 DETERMINING BLIGHT.

(a) Upon receipt of evidence from relevant City officials and departments that a property may be blighted, the reporting City officials and/or department shall present such evidence to the Planning Commission for a recommendation as to whether the property appears to be blighted and any planning recommendations the Planning Commission may have for future use(s) thereof, all of which shall be thereafter promptly shared with the Blighted Property Review Committee. Advance notice to the owner or his/her/its agent of any proceeding of the Planning Commission is encouraged, but shall not be required as a precondition to any proceedings under this Ordinance. Upon completion of such Planning Commission proceedings, however, a copy of the recommendations of the Planning Commission shall be promptly served in the manner as an order and notice provided by section 149.04(c) upon the record owner or his agent, along with a scheduling notice for the time, place and location of a hearing at which the Blighted Property Review Committee shall consider such recommendations and evidence of blight for purposes of certifying to the Redevelopment Authority whether the property is blighted for possible condemnation proceedings. The proceedings of the Blighted Properties Review Committee shall conform to the provisions of the Local Agency Law, 2 PaCS §§ 101, 105, 551-555, 561-588, 751-754, as amended.

(b) Upon receipt of such recommendations from the Planning Commission and the evidence from reporting City officials and departments that such property may be blighted, and in the event the Blighted Property Review Committee determines that a blighted condition exists, the Committee shall prepare an appropriate Order and Notice, which shall be served in accordance with section 149.04(c), giving notification of the following:

- (1) the determination that the property is blighted; and
  - (2) the requirement to eliminate the conditions causing the blight within the stated period of time; and
  - (3) that failure to eliminate the conditions causing the blight within the stated period of time may render the property subject to condemnation under the Urban Redevelopment Law.
  - (4) that the Order and Notice shall constitute an “adjudication” within the meaning of the Local Agency Law for which the owner or his agent and any such other person with a direct interest in such property shall have the right to appeal such adjudication within thirty (30) days to the court of common pleas of the county in which the property is located pursuant to 2 PaCS §752 and 42 PaCS § 5571(b).
- (c) Manner of Service under 149.04(a) and 149.04(b). Any post-Planning Commission meeting documents required to be served under subsections (a) or (b) of section 149.04 shall be served by an agent of the City physically posting a copy thereof in a conspicuous place at the subject property and by hand delivery or mailing a copy to the mailing address for the owner as depicted in the online property record maintained by the Assessment Office of the county in which the subject property is located, or such other address and/or agent as may be designated by such owner. Such mailed notice shall be by any form of delivery by the United States Postal Service requiring the intended recipient or his agent to sign a receipt evidencing actual delivery of same. Such service shall be complete upon delivery of the mail. If such attempted by mail is returned with notation by the postal authorities that the owner or his agent refused to accept the mail or that the mail was unclaimed, the City shall thereafter have the right to make service by mailing a copy to the owner or his agent at the same address by ordinary mail with the return address of the sender appearing thereon. Service by ordinary mail is complete if the mail is not returned to the sender within fifteen (15) days after mailing. In the event the such ordinary mail delivery is returned by the postal authorities as refused or unclaimed, then such proceedings and deadlines which are the subject of the documents so mailed shall proceed as though actual service by mail had been accomplished so long as proof of the efforts made to make service as required under subsections (a) or (b) of section 149.04 shall be included in the records of Blighted Properties Review Committee.
- (d) A blighted property shall be deemed certified as blighted to the Redevelopment Authority without further administrative proceedings once the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the Blighted Properties Review Committee or as modified through the judicial appeal process.

## 149.05 POWERS OF REDEVELOPMENT AUTHORITY.

(a) Upon receipt of a deemed certification of a blighted property, including the prior recommendations of the Planning Commission referenced in section 149.04(a), the Redevelopment Authority of the City of Bethlehem shall have the power to acquire by purchase, gift, bequest, eminent domain, or otherwise any "blighted" property as defined in by the Article, either within or outside of a certified redevelopment area, and further, shall have the power to hold, clear, manage and/or dispose of said property for residential or related reuse and commercial or industrial reuse.

(b) Acquisition and disposition of blighted property under this ordinance shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, provided that Planning Commission previously determined pursuant to section 149.04(a) that the proposed residential or related use would be in accord with the comprehensive plan of the municipality.

(c) Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedure set forth in the act of June 22, 1964, 26 PS 1-101 et seq. known as the "Eminent Domain Code," as amended.

(d) Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of 35 PS § 1712.1. Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

(e) Nothing in this Article shall be construed to deny or restrict any powers or privileges conferred upon the Redevelopment Authority of the City of Bethlehem by virtue of set forth in the Urban Redevelopment Law, 1945, May 24, P.L. 991, 35 PS § 1701 et seq.

Editor's Note: Article 149 was repealed in its entirety by Ordinance 2016-24, September 6, 2016 and re-enacted in its entirety by Ordinance 2016-24, September 6, 2016.